

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4390 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- KATRA District- Muzaffarpur

NAVIN THAKUR S/O HARIKANT THAKUR R/o village - Yajuar, P.S.-
Katra, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Learned counsel for the appellant seeks permission to make necessary correction in para 1 of the memo of appeal in course of the day.

Permission is accorded.

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.09.2021 in A.B.P. No. 1886 of 2021 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Muzaffarpur in connection with Katra P.S. Case No. 132 of 2021 registered under Sections 341, 448, 452, 323, 324, 325, 326, 307, 353, 120(B), 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(i)(r)(s)/3(2)(va) of the SC/ST



Act.

Learned counsel for the appellant submits that appellant has antecedent of one case.

The informant alleges that two liquor trucks of accused Sawan Thakur and Raushan Thakur were apprehended by the police, the accused including the appellant used to tell the villagers that the informant should not have got the trucks apprehended, hence, will face consequences. Further, on 26.05.2021, the informant was discharging his duty of Chawkidar and when he came back home and was talking to his brother Firoj Paswan when Sawan Thakur and Raushan Thakur reached at the house of the informant and fired but informant managed to save himself but his brother received two gun shot injuries.

Learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation has been levelled against the appellant, except that he along with the accused persons in the village were saying that the informant should not have got the truck apprehended. It is next submitted that the allegation also does not disclose any offence under the SC/ST Act against the appellant and from perusal of the allegation as alleged in the FIR with respect to the appellant, it would manifest that the same is cryptic and vague.



Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellant but is not able to rebut the submission of the learned counsel for the appellant that prima facie, no offence, under the SC/ST Act against the appellant, is made out and no overt act has been alleged against the appellant.

Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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